

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

882W0592

SENATE ENGROSSED NO. **HB 1134** - 03/03/2015

Introduced by: Representatives Kaiser, Haugaard, Johns, and Schoenbeck and Senator Rusch

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the expungement
2 of arrest records.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-3-27 be amended to read as follows:

5 23A-3-27. An arrested person may apply to the court that would have jurisdiction over the
6 crime for which the person was arrested, for entry of an order expunging the record of the arrest:

7 (1) After one year from the date of any arrest if no accusatory instrument was filed;

8 (2) ~~With the consent of the prosecuting attorney at any time after~~ After one year from the
9 date the prosecuting attorney formally dismisses the entire criminal case on the
10 record; or

11 (3) At any time after an acquittal.

12 Section 2. That § 23A-3-30 be amended to read as follows:

13 23A-3-30. The court may enter an order of expungement ~~if satisfied~~ upon a showing by the
14 defendant or the arrested person by clear and convincing evidence that the ends of justice and
15 the best interest of the public as well as the defendant or the arrested person will be served by



1 the entry of the order.